

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 OC-06 CCO-00 SSO-00 SY-05 L-03  
EURE-00 INRE-00 CIAE-00 INR-07 NSAE-00 CPR-01  
SS-15 /050 W

-----062612 051650Z /46

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FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC IMMEDIATE 3011

AMEMBASSY BONN

AMCONSUL FRANKFURT

C O N F I D E N T I A L MOSCOW 14609

BONN FOR RCO

FRANKFURT FOR FRDCO

E.O. 11652: GDS

TAGS: ASEC, ACOU, APOU, AFSP, AFAC, OGEN, UR, US

SUBJECT: SOVIET DETENTION OF U.S. DIPLOMATIC POUCHES

REF: (A) MOSCOW 14375, (B) STATE 238229, (C) MOSCOW 14516

1. DURING OCTOBER 5 CALL ON V. SINITSYN, USA DIVISION, MFA, ADMINISTRATIVE COUNSELOR PRESENTED A NOTE (TEXT FOLLOWS) CONCERNING THE CONTINUED DETENTION OF OUR DIPLOMATIC POUCHES. THE APPOINTMENT WITH THE USA DIVISION WAS MADE AFTER TWO FRUITLESS HOURS WERE SPENT BY THE EMBASSY TRYING TO LOCATE STEPANOV OR ANYONE ELSE IN THE PROTOCOL DIVISION OF MFA, WHO WOULD ACCEPT THE NOTE AND DISCUSS THE MATTER.

2. TEXT OF NOTE. QUOTE

(A) THE EMBASSY OF THE UNITED STATES CALLS TO THE ATTENTION OF THE MINISTRY OF FOREIGN AFFAIRS OF THE UNION OF SOVIET SOCIALIST REPUBLICS EMBASSY NOTE NO. 1605 OF OCTOBER 1, 1977, AND THE CONTINUED VIOLATION OF ARTICLE 27 OF THE VIENNA  
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CONVENTION BY THE MOSCOW CUSTOMS AUTHORITIES.

(B) IN SPITE OF ASSURANCES FROM THE MINISTRY OF FOREIGN AFFAIRS THAT THE EMBASSY'S DIPLOMATIC POUCHES WOULD BE RELEASED, MOSCOW CUSTOMS REFUSED AGAIN ON OCTOBER 4 TO RELEASE THEM TO AN EMPLOYEE OF THE EMBASSY. THIS ARBITRARY REFUSAL IS EVEN LESS COMPREHENSIBLE SINCE THE EMPLOYEE

PRESENTED MOSCOW CUSTOMS WITH AN OFFICIAL LETTER FROM THE EMBASSY STATING THAT THE POUCHES WERE DIPLOMATIC POUCHES.

(C) MOSCOW CUSTOMS THEN INSISTED THAT A COURIER LETTER WAS REQUIRED TO RELEASE THE POUCHES. AS THE MINISTRY IS AWARE, COURIER LETTERS ARE REQUIRED FOR ACCOMPANIED POUCHES AND THOSE IN QUESTION WERE UNACCOMPANIED. THERE IS NO PROVISION IN THE VIENNA CONVENTION--NOR IN INTERNATIONAL LAW GENERALLY--WHICH REQUIRED PRESENTATION OF COURIER LETTERS FOR THE RELEASE OF PROPERLY MARKED DIPLOMATIC POUCHES.

(D) IN VIEW OF THE GRAVITY WITH WHICH THE EMBASSY VIEWS THE CONTINUED INTERFERENCE WITH ITS DIPLOMATIC POUCHES BY THE MOSCO CUSTOMS AUTHORITIES, IN DIRECT VIOLATION OF SECTION 3, ARTICLE 27 OF THE VIENNA CONVENTION AS WELL AS INTERNATIONAL LAW AND PRACTICE, THE EMBASSY INSISTS THAT THE MINISTRY OF FOREIGN AFFAIRS ARRANGE FOR THE IMMEDIATE RELEASE OF THESE DIPLOMATIC POUCHES. BECAUSE THEIR LONG DETENTION IS A FLAGRANT VIOLATION OF THE VIENNA CONVENTION, THE EMBASSY INSISTS THAT THE MINISTRY OF FOREIGN AFFAIRS PROVIDE THE EMBASSY FORMALLY, BY DIPLOMATIC NOTE, WITH AN EXPLANATION OF THIS EXTRAORDINARY BREACH BY THE MOSCOW CUSTOMS AUTHORITIES OF THE SOVIET GOVERNMENT'S OBLIGATIONS UNDER INTERNATIONAL LAW AND SPECIFICALLY THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS. END QUOTE.

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3. ADMIN COUNSELOR STRESSED THAT WE CONSIDERED THE DETENTION OF OUR DIPLOMATIC POUCHES TO BE AN EXTREMELY SERIOUS MATTER. RECALLING THE OCTOBER 2 DISCUSSION (REFTEL B) BETWEEN DEPUTY ASSISTANT SECRETARY LUERS AND SOVIET DCM VAEOV, ADMIN COUNSELOR SAID HE EXPECTED THAT THE MATTER COULD BE RESOLVED VERY QUICKLY IF THE SOVIETS WISHED TO, AND POINTED TO THE DEPARTMENT'S HOPE THAT WE WOULD NOT GET INVOLVED IN ANY MUTUAL INTERFERENCE WITH DIPLOMATIC POUCHES.

4. SINITSYN PROFESSED NOT TO KNOW ANYTHING ABOUT THE MATTER, HE SAID HE WOULD TAKE IT UP WITH HIS SUPERIORS, ADDING THAT HE "COULD UNDERSTAND OUR APPREHENSIONS."

5. SHORTLY AFTER THIS DISCUSSION SOVIET CUSTOMS TELEPHONED THE EMBASSY AND SAID THE POUCHES WERE BEING RELEASED. JUST BEFORE CLOSE BUSINESS ON OCTOBER 5 THE POUCHES WERE IN FACT RELEASED TO THE EMBASSY. A CHECK IS BEING MADE BY SY AND C&R TO DETERMINE, IF POSSIBLE, WHETHER OR NOT THE POUCHES HAVE BEEN OPENED. PRELIMINARY RESULTS WILL FOLLOW TOMORROW IN SEPTTEL.  
MATLOCK

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## Message Attributes

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